

REMARKS

Claims 1-3 and 6-22 are pending. The rejections are traversed and reconsideration is requested.

Current Action Is Incomplete And Finality Should Be Withdrawn

As set forth in MPEP §707.07(f) entitled Answer All Material Traversed "an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application." Applicant respectfully submits that the current Action is incomplete.

In the Office Action mailed July 30, 2004 (previous Action), the previous Examiner in rejecting claim 3 contended:

Schneider teaches. . . antenna is formed by printing a conductor on the upper surface inside said housing (See abstract "The first portion and the second portion form an antenna loop. The first portion may be etched on a printed circuit board.

(Previous Action page 3)

In the Amendment filed November 1, 2004 (previous Amendment), the Applicant traversed this rejection arguing that while Schneider teaches "the first portion may be etched on a printed circuit board":

Applicant submits that Schneider does not teach any printing of a conductor on an upper surface inside a housing.

(Emphasis added).

The current Action does not respond to this argument, but merely repeats the contention from the previous Action, and in Response to Arguments contends that Applicant's arguments have been considered but are moot in view of the new ground(s) or rejection.

As another example, the previous Examiner in rejecting claims 7-10 contended that:

Schneider does not illustrate the detail of a specific common standard wireless transmitting techniques . . . however since he does perform a wireless transmission it is clear he must use some modulation technique and the specific transmitting technique used is clearly not critical to the practice of either Schneider or Applicant. Therefore it would have been obvious . . . to use any common standard wireless modulation techniques . . . one is always motivated to use standard excepted practices where ever details are missing.

(Previous Action page 7).

In the previous Amendment, the Applicant traversed this rejection arguing that as set forth in MPEP §2143.03:

. . . (i)t is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. Applicant respectfully submits that while Schneider uses some method, . . . the Examiner provides no support that Schneider teaches each of the methods recited separately by dependent claims 7-10, or that it is obvious to use each of the methods.

(Emphasis added).

The current Action does not respond to this argument, but merely repeats the contention from the previous Action in rejecting claims 7-10.

As set forth in MPEP § 706.07(d):

(i)f, on request by applicant for reconsideration, the primary examiner finds the final rejection to have been premature, he or she should withdraw the finality of the rejection.

Accordingly, Applicant respectfully submits that the current Action is incomplete since the Examiner has not responded, at all, to many of Applicant's arguments traversing the rejections and requests that the finality of the current action be withdrawn, and a new action issued resetting the reply date and addressing the arguments.

ITEMS 2-3: REJECTION OF CLAIM 21 UNDER 35. U.S.C. 112, FIRST AND SECOND PARAGRAPH

In item 2, the Examiner rejects claim 21 under 35 U.S.C. §112, first and second paragraphs. The Examiner contends that the features recited in claim 21 are not described in the specification and not clear to the Examiner.

Claim 21 recites a wireless input device "wherein a first detachable upper cover having an antenna arranged so as to surround a center portion of the upper cover is swappable with a second detachable upper cover having an antenna arranged so as to surround a depressible keytop in the upper cover."

That is, the input device can have a first detachable upper cover with an antenna arranged so as to surround a center portion of the upper cover. This cover can be removed and swapped with another detachable upper cover that has an antenna arranged so as to surround a depressible keytop in the upper cover.

Applicant submits that the features are described in the specification and clear. Applicant respectfully points out that these features were discussed during an in-person interview conducted between the previous Examiner and the Applicant's representative on October 13, 2004. (See, Interview Summary).

Applicant submits that the features are supported for example, in the specification on page 7, lines 21-24, that discuss "antenna 37 is made from conductor wire rod and is arranged so as to surround the keytop 35 inside the upper cover 36." Further support is provided on page 9, lines 25-30, that discuss "the antenna 37 and antenna 371 are arranged so as to surround the keytop 35. Alternatively, the antenna 37 and antenna 371 may be arranged so as to surround a center part of the upper cover 36." Page, lines 25-30, further discusses "the antenna 372 surrounds an approximate center part of the upper cover 36."

During the in-person interview, the previous Examiner stated that he considered that such features, e.g., swappable were supported, for example, by a comparison of FIGs. 9 and 10, by one of ordinary skill in the art.

Applicant submits that claim 21 complies with 35 U.S.C. 112, first and second paragraph and request the rejections be withdrawn.

ITEM 6: REJECTION OF CLAIMS 1-3 AND 6-22 UNDER 35 U.S.C. §103(a) AS BEING ANTICIPATED BY SCHNEIDER ET AL. (U.S.P. 6,356,243) IN VIEW OF TOKURA (JAPANESE PATENT PUBLICATION NO. 08-76918)

The Examiner rejects independent claims 1-3 and 6-22 as anticipated by Schneider. The rejections are traversed.

Independent claim 1 recites an input device including "an antenna arranged at an upper surface inside said housing . . . wherein said housing comprises: a case, and a detachable upper cover, wherein said antenna is arranged inside said detachable upper cover at an uppermost portion of the housing . . . and wherein said antenna is detachably connected to said communicating part by a connector and detachable from the case along with a detached upper cover."

Independent claim 11 recites a wireless input device including "an antenna, which is located at an uppermost portion of the inside volume . . . and detachable from the case along with a detached upper cover."

Independent claim 20 recites wireless input device including "the detachable upper cover includes an antenna . . . arranged within an inner volume of the detachable upper cover or formed on a surface of the detachable upper cover."

No Motivation Or Reasonable Success to Combine The Art In A Manner As Suggested By The Examiner

The Action concedes that Schneider does not teach that the antenna is detachable from the case along with a detachable upper cover. Further, the Examiner indicates "That is not possible in Schneider's device because the antenna is not completely connected to the upper cover." However, the Examiner contends that it is obvious to modify Schneider's mouse with Tokura" so as to have a better reception and transmission by having the antenna exposed to the upper surface."

Applicant submits there is no motivation or reasonable chance of success to modify Schneider as the Examiner contends. As provided in MPEP §2144. 04:

(t)he mere fact that a worker in the art could rearrange the parts of the reference device . . . is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation . . . without the benefit of appellant's specification, to make the necessary changes in the reference device.

Schneider discusses that a mouse device having a two-portion antenna arranged so as

to form double circles to form the antenna loop (See, col. 5, starting at line 50). Thus, the antenna requires two connection points 245a and 245b as shown in FIG. 2B of Schneider. (See, col. 6, lines 19-32).

On the other hand, Tokura shows in FIG. 1 a pole shaped antenna and not a wired loop antenna, and does not discuss any further details of the antenna.

Applicant respectfully submits there is no motivation or reasonable chance of success to modify Schneider's two-portion wired antenna with the pole antenna taught by Tokura, in a manner as the Examiner contends.

Further dependent claims recite features not taught by the cited art, alone or in combination. For example, dependent claim 3 recites that the antenna may be formed by "printing a conductor on the upper surface inside said housing." While the Examiner contends that Schneider teaches "the first portion may be etched on a printed circuit board," Applicant submits none of the cited art teaches any printing of a conductor on an upper surface inside a housing.

Dependent claims 7-10 recite that an input device that transmits information from an input part in accordance with an "Amplitude Shift Keying method," "a Frequency Shift Keying method," "a Phase Shift Keying method," and "a Spread Spectrum Communication method," respectively.

The Action concedes that Schneider does not teach these methods. Nevertheless, the Examiner contends that that Schneider "must use one of the transmitting methods."

As set forth in MPEP §2143.03:

(i)t is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based.

Applicant respectfully submits that while the cited art uses some method, and *arguendo* may use one of the methods, the Examiner provides no support that the cited art uses each of the recited methods, or that it is obvious to use each of the methods.

Further, dependent claim 18 recites a wireless input device "wherein the antenna is arranged so as to surround a center portion of the upper cover." Dependent claim 19 recites a wireless input wherein the antenna is arranged so as to "surround a depressible keytop in the upper cover."

Applicants submit that neither none of the cited art teaches an antenna surrounding either a center portion or a depressible keytop. For example Tokura merely shows a pole antenna that does not surround either a keytop or a center portion.

Conclusion

Since *prima facie* obviousness is not established, the rejections should be withdrawn and claims 1-3 and 6-22 allowed.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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